IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 354 OF 2006

IN

FIRST APPEAL NO. 173 OF 2004

NAGUESH PURUSHOTTAM P.DESSAI AND ANR., ...Applicants

Versus

SMT. DWARKABAI MADHAV P.DESAI AND ORS., ...Respondents

Ms. P. Kamat, Advocate for the applicant.

Mr. Chopedekar, Advocate for the respondents.

Coram:- P.V. KAKADE, J.

Date:- 17th August, 2006

P.C.

Heard both sides. This is an application for restoration of First Appeal No.173/2004, which was dismissed by order dated 27.4.06 as cost towards the preparation of the paper book was not deposited. Now it is stated at the Bar that the paper book cost was paid and the paper book is ready.

In view of this aspect and in the interest of justice, the application is allowed in terms of prayer made in the application. Order dated 27.4.06 regarding dismissal of the appeal is, hereby recalled and the appeal is restored to the file and to be placed for hearing as per Rules.

P.V. KAKADE, J.

ssm.